GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Regularization of services of NMR / Daily Wage / Consolidated Pay / Part Time Employees – Amendment to the Act 2 of 1994 – Counting of service for pension and any other purposes – Orders – Issued.

FINANCE (HR.I - PLG. & POLICY) DEPARTMENT

G.O.Ms.No.44

Dated:17.05.2024
Read the following:

1. Andhra Pradesh (Regulation of Appointments to Public Services and Rationalization of Staff Pattern and Pay Structure) Act, 1994 (Act.2 of 1994).
2. G.O.Ms.No.212, Finance & Planning (FW.PC-III) Department, dt.22.04.1994.
3. G.O.(P) No.112, Finance & Planning (FW.PC-III) Department, dt.23.07.1997.
4. Memo No.573/225/A3/PC.III/97, dt.01.09.1997 of F & P (FW.PC-III) Department.
5. Andhra Pradesh (Regulation of Appointments to Public Services and Rationalization of Staff Pattern and Pay Structure) (Amendment) Act, 2024 (Act.7 of 2024).
6. G.O.Ms.No.41, Finance (HR.I- Plg. & Policy) Department, dt.29.04.2024.

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ORDER :

In the reference 1st read above, Government have enacted the A.P. (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure) Act 1994 (Act 2 of 1994) which came into force with effect from 25.11.1993 to regulate irregular appointments in State Government Departments.

2. In the reference 2nd & 3rd read above, Government had issued orders formulating specific scheme for regularization of the services of persons appointed on Daily Wages/ NMR or Consolidated pay & for regularization of the services of the persons appointed on Part time basis, subject to fulfilling certain conditions as stipulated in the said orders from prospective date i.e., from the date of issue of orders.

3. In the reference 4th read above, the Finance Department has clarified all the Departments of Secretariat & all Heads of Departments that the regularization that are done as per G.O.Ms.No.212, Finance & Planning (FW.PC-III) Department, dated: 22.04.1994, entitles the benefit due to regularisation of services of the person concerned only from the date of the issue of the order making it prospective. Therefore, all the service benefits due to regularisation of services shall be counted prospectively from the date of the issue of order only and it cannot be assumed or presumed on the basis of any other earlier order in this regard which stand cancelled. Hence, cases for counting of services for pension / eligibility for pension and any other purpose for the period prior to the effective date of regularization cannot be acted upon.

4. In spite of specific orders, the said categories of employees are approaching the Courts seeking relief of retrospective regularization of services for counting of past service rendered on Daily Wage / NMR / Consolidated Pay / Part Time basis even though their services have been regularised prospectively. Owing to this, several cases are pending in the Court of law related to the service matters of Daily Wage / NMR / Consolidated pay and Part time workers for retrospective regularization of their services, for which they are not eligible as per the existing Government Orders. Further, the proposals for retrospective regularisation will have huge financial implications on the State Exchequer.

(Contd…)

5. In view of the circumstances stated above and after careful examination of the matter, Government in the reference 5th cited, issued an amendment to the Act 2 of 1994 and brought into existence the provisions for reckoning the qualifying service for pension of persons regularised in different departments of the Government in pursuance of orders issued in G.O.Ms.No.212, Finance & Planning (FW.PC-III) Department, dt.22.04.1994 and G.O.(P).No.112, Finance & Planning (FW.PC-III) Department, dt.23.07.1997 applicability of pension system. Further, the amendment Act (Act 7 of 2024) at reference 5th cited & G.O.Ms.No.41, Finance (HR.I - Plg. & Policy) Department, dt.29.04.2024 at reference 6th cited categorically stipulates the date of commencement of the provisions contained in the said Act.

6. All the Departments of Secretariat / Heads of Departments are requested to adhere to the statutory provisions of the amendment Act (Act.7 of 2024) in the reference 5th cited and the orders issued vide G.O.Ms.No.41, Finance (HR.I-Plg. & Policy) Department, dt.29.04.2024 annexed to this order scrupulously in respect of the proposals relating to the claims of retrospective regularisation of services of the persons whose services have already been regularised in accordance with the scheme formulated in G.O.Ms.No.212, Finance & Planning (FW.PC-III) Department, dt.22.04.1994 and G.O.(P) No.112, Finance & Planning (FW.PC-III) Department, dt.23.07.1997 in pursuance of Act 2 of 1994 and take necessary action in consonance with the provisions of the amendment Act 7 of 2024 in the claims seeking retrospective regularisation of services / the cases pending in the courts.

7. This order is available in apegazette.cgg.gov.in.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHIRANJIV CHOUDHARY
PRINCIPAL SECRETARY TO GOVERNMENT (HR)

To
All the Departments of Secretariat.
All the Heads of Departments.
All Collectors & District Magistrates.
The Registrars of all Universities.
The Accountant General, AP, Vijayawada.
The Director of Treasuries & Accounts, AP, Mangalagiri.
The Pay & Accounts Office, AP, Mangalagiri.
SF/SC (2336797)

// FORWARDED :: BY ORDER //

C. Bhanuprasad
SECTION OFFICER